

DELEGATED DECISION REPORT

APPLICATION NUMBER

201237

136 Aylestone Hill, Hereford, Herefordshire, HR1 1JJ

CASE OFFICER: Miss Emily Brookes
DATE OF SITE VISIT: 15/06/2020

Relevant Development Plan Policies: Herefordshire Local Plan – Core Strategy
Policies: SD1

Neighbourhood Development Plan – Holmer and Shelwick
Parish Neighbourhood Development Plan
Policies: HS4 Design

National Planning Policy Framework

Relevant Site History: **DS992532/F** – Proposed extension for domestic purposes.
[Approved with conditions 13 October 1999]

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X	X			
Ward Councillor	X	X			
Site Notice	X				X (5)

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

Site Description

136 Aylestone Hill is a two-storey semi-detached dwelling located 1.4 miles from Hereford City Centre within the Holmer Ward. Access to the property is taken from the A465. The property has a single-storey flat roofed rear extension that has been present at the property following an approved application in October 1999.

Proposal

It is proposed to provide an external roof terrace to the side and rear of existing dwelling, on the roof of the existing extension. The proposed terrace has an area of 32.5sq metres and is accessed by the existing UPVC French doors from bedroom 1

and a proposed galvanised steel spiral staircase to the North-East of the terrace. A glass edge protection is proposed to surround the perimeter of the terrace, standing 1100mm (1.1 metres) tall. The flooring proposed is composite decking. The images below show the proposal.



Proposed elevations



Proposed floor plan

All detailed plans and representations can be found on the Herefordshire Council website:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201237&search-term=Aylestone%20hill

Representations:

The **ward councillor** has been updated of the Officer recommendation by email dated 16th June 2020. To date, the local member has not objected to a delegated decision or requested redirection of this application to Planning Committee

The **Parish Council** have been informed of the application by email on 29th April 2020. No response has been received to date.

Five Letters of Objection have been received, raising the following points:

- Overlooking
- Privacy
- Amenity
- Noise and light pollution
- Impact on Conservation Area
- Impact on SSSI
- Character of the surrounding area

Pre-application discussion:

None sought

Constraints:

Conservation Area
PROW nearby
Surface water adjacent
SSSI Impact Zone

Appraisal:

Policy context and Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Holmer and Shelwick Parish Neighbourhood Development Plan (NDP). At this time the policies in the Holmer and Shelwick Parish NDP can be afforded weight as set out in paragraph 48 of the National Planning Policy Framework 2019, which itself is a significant material consideration

The proposal here is for an external roof terrace to the rear and side of existing dwelling. The main matter to consider is the potential impact upon the residential amenity of neighbouring

properties. With regards to neighbouring residential amenity, policy SD1 of the CS states that development proposals should seek to safeguard the amenity of both existing and proposed residents in terms of overlooking, overshadowing and overbearing. Policy HS4 of the NDP sets out similar requirements in so far as it directs that residential developments should not adversely affect the amenity of adjacent residential properties. This accords with the principle set out in the NPPF, with regards to good design and ensuring good standards of living accommodation for existing and future occupiers.

It is noted that five objections have been received from residents in the surrounding properties, outlined under representations. The proposed terrace is located approximately 1.5 metres from the dwellinghouse of 134 Aylestone Hill with views over the outdoor amenity area and into a primary habitable internal space. Moreover, the proposed terrace is approximately 1 metre from the shared boundary between 136 and 138 Aylestone Hill, resulting in significant overlooking into the neighbouring outdoor amenity area. The height of the existing flat roofed extension stands at 2.5 metres, with the proposed terrace to be located on this roof space. The elevated height along with the intended use of persons to enjoy this area would exacerbate the ability to, and impact of, overlooking and therefore would unacceptably reduce the privacy of the neighbouring residents. The applicant proposes to introduce a glass edge perimeter which would stand at 1.1 metres. The level of screening proposed would not prevent significant and unobstructed elevated overlooking of both neighbouring properties, both of which are at close proximity. The terrace would allow for a relatively wide field of vision and its use would conspicuously announce the possibility of overlooking. I therefore find that the use of the proposed first floor terrace would result in significant levels of actual and perceived overlooking and loss of privacy to the occupants of 138 and 134 Aylestone Hill. The proposed development would result in unacceptable levels of overlooking into 138 and 134 Aylestone Hill, resulting in a loss of privacy, therefore causing significant harm to the residential amenity of these properties. For this reason, it is considered the proposal is contrary to policy SD1 of the CS and HS4 of the Holmer and Shelwick Parish NDP.

Concerns have been raised though representations regarding the impact of the proposal upon the Conservation Area and SSSI. The potential impact of the proposal with regard to the above issues has been considered and it has been determined that the harm to the Conservation Area and SSSI would not give reason for recommending refusal.

On the basis of the above, the proposed extension gives rise to conflict with development plan policy and is hence not representative of sustainable development. The application is recommended for refusal for the reasons below.

The Local Ward Member has been advised of the Officer recommendation. No redirection request has been made.

RECOMMENDATION: **PERMIT** ☐ **REFUSE** ☒

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:
(please note any variations to standard conditions)

The proposed roof terrace would give rise to a significant degree of overlooking of the neighbouring residential properties 138 and 134 Aylestone Hill, resulting in harm to residential amenity. As such the proposal fails to ensure good standards of amenity are secured and is contrary to policies SD1 of Herefordshire Local Plan Core Strategy' policy HS4 of the Holmer and Shelwick Parish Neighbourhood Development Plan and the principles set out within the National Planning Policy Framework.

Informatives

Signed: E.Brookes

Dated: 16/06/2020

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☐

REFUSE ☒

Signed:

AB.

..... Dated: 24/6/2020